

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2167

(SENATE AUTHORS: KORAN)

DATE
03/18/2021

D-PG
1069

OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

- 1.1 A bill for an act
- 1.2 relating to elections; amending thresholds for major political party designation;
- 1.3 amending nominating petition requirements; allowing political parties to authorize
- 1.4 which candidates may affiliate with the party on the ballot; amending Minnesota
- 1.5 Statutes 2020, sections 200.02, subdivision 7, by adding a subdivision; 204B.06,
- 1.6 subdivision 1; 204B.07, subdivisions 1, 4; 204B.08, subdivisions 2, 3; 204B.09,
- 1.7 subdivision 1; 204D.03, subdivision 3; 204D.12; 204D.13, by adding a subdivision;
- 1.8 204D.19, subdivision 2; 204D.22, subdivision 2; 204D.23, subdivision 1; 205.13,
- 1.9 subdivisions 1a, 5; repealing Minnesota Statutes 2020, sections 200.02, subdivision
- 1.10 23; 204D.22, subdivision 4.
- 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.12 Section 1. Minnesota Statutes 2020, section 200.02, subdivision 7, is amended to read:
- 1.13 Subd. 7. **Major political party.** (a) "Major political party" means a political party that
- 1.14 maintains a party organization in the state, political division or precinct in question and that
- 1.15 has presented at least one candidate for election to the office of:
- 1.16 (1) governor and lieutenant governor, secretary of state, state auditor, or attorney general
- 1.17 at the last preceding state general election for those offices; or
- 1.18 (2) presidential elector or U.S. senator at the last preceding state general election for
- 1.19 presidential electors; and
- 1.20 whose candidate received votes in each county in that election and received votes from not
- 1.21 less than ~~five~~ one percent of the total number of individuals who voted in that election.
- 1.22 (b) "Major political party" also means a political party that maintains a party organization
- 1.23 in the state, political subdivision, or precinct in question and that has presented at least 45
- 1.24 candidates for election to the office of state representative, 23 candidates for election to the
- 1.25 office of state senator, four candidates for election to the office of representative in Congress,

and one candidate for election to each of the following offices: governor and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of ~~a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed~~ 20,000 individuals who are eligible to vote in the state.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

Sec. 2. Minnesota Statutes 2020, section 200.02, is amended by adding a subdivision to read:

Subd. 23a. **Minor political party.** "Minor political party" means a political party that is not a major political party.

Sec. 3. Minnesota Statutes 2020, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. **Form of affidavit.** An affidavit of candidacy shall state the name of the office sought and, except as provided in subdivision 4, shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington County, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less. A candidate affiliated with a political party must additionally certify whether the candidate was endorsed for the office at a party convention conducted for that purpose.

Sec. 4. Minnesota Statutes 2020, section 204B.07, subdivision 1, is amended to read:

Subdivision 1. **Form of petition.** (a) A nominating petition may consist of one or more separate pages each of which shall state:

~~(a)~~ (1) the office sought;

~~(b)~~ (2) the candidate's name and residence address, including street and number if any; and

~~(c)~~ (3) the candidate's political party or political principle expressed in not more than three words. No candidate who files for a partisan office by nominating petition shall use the term "nonpartisan" as a statement of political principle or the name of the candidate's political party. No part of the name of a major political party may be used to designate the political party or principle of a candidate who files for a partisan office by nominating petition, except that the word "independent" may be used to designate the party or principle. A candidate who files an affidavit of candidacy to fill a vacancy in nomination for a nonpartisan office pursuant to section 204B.13, shall not state any political principle or the name of any political party on the petition. A candidate affiliated with a political party must

certify whether the candidate was endorsed for the office at a party convention conducted for that purpose.

(b) A petition may be prepared on paper that is 8-1/2 inches wide and 11 inches long or 8-1/2 inches wide and 14 inches long.

Sec. 5. Minnesota Statutes 2020, section 204B.07, subdivision 4, is amended to read:

Subd. 4. **Oath and address of signer.** Following the information required by subdivisions 1 and 2 and before the space for signing, each separate page that is part of the petition shall include an oath in the following form:

"I solemnly swear (or affirm) that I know the contents and purpose of this nominating petition, ~~that I do not intend to vote at the primary election for the office for which this nominating petition is made,~~ and that I signed this petition of my own free will."

Notarization or certification of the signatures on a nominating petition is not required. Immediately after the signature, the signer shall write on the petition the signer's residence address including street and number, if any, and mailing address if different from residence address.

Sec. 6. Minnesota Statutes 2020, section 204B.08, subdivision 2, is amended to read:

Subd. 2. **Qualifications of signers.** A nominating petition may be signed only by individuals who are eligible to vote for the candidate who is nominated. ~~No individual may sign more than one nominating petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.~~

Sec. 7. Minnesota Statutes 2020, section 204B.08, subdivision 3, is amended to read:

Subd. 3. **Number of signatures.** Except as provided in section 204D.23, subdivision 1, the number of signatures required on a nominating petition shall be as follows:

(a) for a federal or state office voted on statewide, ~~one percent of the total number of individuals voting in the state at the last preceding state general election, or 2,000, whichever is less~~ 2,000;

(b) for a congressional office, ~~five percent of the total number of individuals voting in the district at the last preceding state general election, or 1,000, whichever is less~~ 1,000;

(c) for a ~~county or legislative~~ state senate office, ~~ten percent of the total number of individuals voting in the county or legislative district at the last preceding state or county general election, or 500, whichever is less~~ 400;

(d) for a state house of representatives office or county office, 200;

~~(d)~~ (e) for a municipal office in a city of the first class, the number specified in section 205.121; and

~~(e)~~ (f) for any other municipal or school district office, ~~ten~~ two percent of the total number of individuals voting in the municipality, ward, school district, or other election district at the last preceding municipal, or school district if applicable, general election, or ~~500~~ 200, whichever is less.

Sec. 8. Minnesota Statutes 2020, 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, offices and major party candidates for state, and federal offices filled at the state general election shall be filed not more than 84 days nor less than 70 days before the state primary. For candidates that are not major party candidates, affidavits of candidacy and nominating petitions for state and federal offices to be filled at the state general election shall be filed not more than 99 days nor less than 71 days before the state general election. The affidavit of candidacy and nominating petition 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 at least ~~77~~ 71 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. 9. Minnesota Statutes 2020, section 204D.03, subdivision 3, is amended to read:

Subd. 3. **Exception; certain partisan candidates.** (a) If no more than one candidate files for nomination by a major political party for a partisan office, the candidate who filed must be declared the nominee upon the close of filing if the candidate was endorsed for the office at a party convention conducted for that purpose. If the candidate who filed was not endorsed for the office at a party convention, no candidate may be declared the nominee of that party.

(b) If every candidate for a partisan office has been declared the nominee upon the close of filing, or is prohibited from being declared the nominee under paragraph (a), the office must be omitted from the state primary ballot. If all offices, both partisan and nonpartisan, have been omitted from the state primary ballot in a municipality or county, the governing body of the municipality or county may decide that the state primary will not be conducted in that municipality or county.

~~(b)~~ (c) Within 15 days after the close of filing, each municipal clerk or county auditor whose governing body has decided not to conduct the state primary shall post notice that the offices have been so omitted and the state primary canceled and shall send a copy of the notice to the secretary of state.

Sec. 10. Minnesota Statutes 2020, section 204D.12, is amended to read:

204D.12 NAMES PLACED ON GENERAL ELECTION BALLOTS.

Without payment of an additional fee, the county auditor shall place on the appropriate state general election ballot the name of every candidate:

(1) whose nomination at the state primary has been certified by the appropriate canvassing board or whose nomination was declared upon the close of filing under section 204D.03, subdivision 3;

(2) who has been nominated by petition, including candidates certified by the secretary of state; and

(3) who was nominated and whose name was omitted from the state nonpartisan primary ballot pursuant to section 204D.07, subdivision 3. Only the names of duly nominated candidates may be placed on a ballot.

7.1 Sec. 11. Minnesota Statutes 2020, section 204D.13, is amended by adding a subdivision
7.2 to read:

7.3 Subd. 5. **Candidate designation of political party.** The name of a candidate for partisan
7.4 office may only be identified with a political party designation on the state general election
7.5 ballot if the candidate was either:

7.6 (1) nominated as the party's candidate for the office at the state primary election or under
7.7 section 204D.03, subdivision 3; or

7.8 (2) endorsed for the office at a convention conducted for that purpose by a party whose
7.9 candidates are not nominated at the state primary election or under section 204D.03,
7.10 subdivision 3.

7.11 Sec. 12. Minnesota Statutes 2020, section 204D.19, subdivision 2, is amended to read:

7.12 Subd. 2. **Special election when legislature will be in session.** Except for vacancies in
7.13 the legislature which occur at any time between the last day of session in an odd-numbered
7.14 year and the ~~40th~~ 49th day prior to the opening day of session in the succeeding
7.15 even-numbered year, when a vacancy occurs and the legislature will be in session so that
7.16 the individual elected as provided by this section could take office and exercise the duties
7.17 of the office immediately upon election, the governor shall issue within five days after the
7.18 vacancy occurs a writ calling for a special election. The special election shall be held as
7.19 soon as possible, consistent with the notice requirements of section 204D.22, subdivision
7.20 3, but in no event more than ~~35~~ 44 days after the issuance of the writ. A special election
7.21 must not be held during the four days before or the four days after a holiday as defined in
7.22 section ~~645.44~~, subdivision 5.

7.23 Sec. 13. Minnesota Statutes 2020, section 204D.22, subdivision 2, is amended to read:

7.24 Subd. 2. **Posting of writ.** Immediately upon receipt of the writ, the secretary of state
7.25 shall send a certified copy of the writ by United States mail and electronic mail to the county
7.26 auditor of each county in which candidates to fill the vacancy are to be voted upon. The
7.27 county auditor shall post a copy of the writ in the auditor's office at least ~~five~~ 14 days before
7.28 the close of the time for filing affidavits of candidacy for the special election.

7.29 Sec. 14. Minnesota Statutes 2020, section 204D.23, subdivision 1, is amended to read:

7.30 Subdivision 1. **Place and manner of filing.** (a) Candidates for nomination to fill a
7.31 vacancy at a special primary shall file their affidavits of candidacy and nominating petitions

with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like offices at the state primary.

(b) The number of signatures on a nominating petition required by section 204B.08, subdivision 3, must be reduced by one-half for a special election held under this chapter.

Sec. 15. Minnesota Statutes 2020, 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 ~~98~~ 99 days nor less than ~~84~~ 71 days before the municipal general election held in November of any year. In municipalities where nominating petitions are permitted, the nominating petition must be filed during filing period for an affidavit of candidacy. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period. An affidavit of candidacy and nominating petition, where permitted, may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

Sec. 16. Minnesota Statutes 2020, section 205.13, subdivision 5, is amended to read:

Subd. 5. **Nominating petition; cities of the first class.** A nominating petition filed on behalf of a candidate for municipal office in a city of the first class shall be signed by eligible voters who reside in the election district from which the candidate is to be elected. The number of signers shall be at least ~~500~~ 200, or two percent of the total number of individuals who voted in the municipality, ward, or other election district at the last preceding municipal general election, whichever is ~~greater~~ less.

Sec. 17. **REPEALER.**

Minnesota Statutes 2020, sections 200.02, subdivision 23; and 204D.22, subdivision 4, are repealed.

200.02 DEFINITIONS.

Subd. 23. **Minor political party.** (a) "Minor political party" means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate:

(1) for election to the office of governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) for election to the office of presidential elector or U.S. senator at the preceding state general election for presidential electors; and

(3) who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office. A signature is valid only if signed no more than one year prior to the date the petition was filed.

204D.22 WRIT OF ELECTION.

Subd. 4. **Failure of notice.** No omission or defect in any notice required to be given by this section shall invalidate a special primary or special election.