

(SENATE AUTHORS: LIMMER, Rest and Sieben)

DATE	D-PG	OFFICIAL STATUS
03/23/2011	632	Introduction and first reading Referred to Local Government and Elections
05/09/2011	1796a 1846	Comm report: To pass as amended Second reading
05/14/2011	2047a	General Orders: To pass as amended
05/16/2011	2083	Calendar: Third reading Passed
05/21/2011	3037	Returned from House

1.1 A bill for an act
1.2 relating to elections; changing certain procedures and requirements related to
1.3 vacancies in nomination; amending Minnesota Statutes 2010, sections 204B.04,
1.4 subdivision 2; 204B.13, subdivisions 1, 4; 205.13, subdivision 1a; 205A.06,
1.5 subdivision 1a; repealing Minnesota Statutes 2010, sections 204B.41; 204D.169;
1.6 205.065, subdivision 7; 205A.03, subdivision 6.

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

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

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

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

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

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

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

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

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

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.