

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2214**

(SENATE AUTHORS: REINERT and Miller)

DATE	D-PG	OFFICIAL STATUS
05/16/2015	3600	Introduction and first reading Referred to Rules and Administration

A bill for an act

1.1 relating to elections; modifying primary elections for partisan offices; requiring  
1.2 the top two vote getters in partisan primary races to be placed on the general  
1.3 election ballot; amending Minnesota Statutes 2014, sections 200.02, subdivisions  
1.4 7, 23; 204B.03; 204B.07, subdivision 4; 204C.13, subdivision 3; 204C.21,  
1.5 subdivision 3; 204C.32, subdivision 1; 204D.03, subdivisions 1, 3; 204D.05,  
1.6 subdivisions 1, 3; 204D.07, subdivisions 1, 3; 204D.08, subdivision 4; 204D.10,  
1.7 subdivision 1; 204D.20, subdivisions 1, 2; 206.61, subdivision 4; repealing  
1.8 Minnesota Statutes 2014, sections 204B.04, subdivisions 2, 3; 204D.07,  
1.9 subdivision 2; 204D.08, subdivision 5; 204D.13, subdivision 3.  
1.10

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

1.12 Section 1. Minnesota Statutes 2014, section 200.02, subdivision 7, is amended to read:

1.13 Subd. 7. **Major political party.** (a) "Major political party" means a political party  
1.14 that maintains a party organization in the state, political division or precinct in question  
1.15 and that 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  
1.17 general 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  
1.21 from not less than five 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  
1.23 organization in the state, political subdivision, or precinct in question and that has  
1.24 presented at least 45 candidates for election to the office of state representative, 23  
1.25 candidates for election to the office of state senator, four candidates for election to  
1.26 the office of representative in Congress, and one candidate for election to each of the

2.1 following offices: governor and lieutenant governor, attorney general, secretary of state,  
2.2 and state auditor, at the last preceding state general election for those offices.

2.3 (c) "Major political party" also means a political party that maintains a party  
2.4 organization in the state, political subdivision, or precinct in question and whose members  
2.5 present to the secretary of state at any time before the close of filing for the state ~~partisan~~  
2.6 primary ballot a petition for a place on the state ~~partisan~~ primary ballot, which petition  
2.7 contains signatures of a number of the party members equal to at least five percent of the  
2.8 total number of individuals who voted in the preceding state general election.

2.9 (d) A political party whose candidate receives a sufficient number of votes at a state  
2.10 general election described in paragraph (a) or a political party that presents candidates at  
2.11 an election as required by paragraph (b) becomes a major political party as of January  
2.12 1 following that election and retains its major party status for at least two state general  
2.13 elections even if the party fails to present a candidate who receives the number and  
2.14 percentage of votes required under paragraph (a) or fails to present candidates as required  
2.15 by paragraph (b) at subsequent state general elections.

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

2.21 Sec. 2. Minnesota Statutes 2014, section 200.02, subdivision 23, is amended to read:

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

2.27 (b) To be considered a minor party in all elections statewide, the political party must  
2.28 have presented at least one candidate for election to the office of:

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

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

2.33 (3) who received votes in each county that in the aggregate equal at least one percent  
2.34 of the total number of individuals who voted in the election, or its members must have  
2.35 presented to the secretary of state at any time before the close of filing for the state

3.1 ~~partisan~~ primary ballot a ~~nominating~~ petition in a form prescribed by the secretary of  
 3.2 state requesting that the party be recognized as a minor political party containing the  
 3.3 signatures of party members in a number equal to at least one percent of the total number  
 3.4 of individuals who voted in the preceding state general election.

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

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

3.14 (e) A minor party that qualifies to be a major party loses its status as a minor party  
 3.15 at the time it becomes a major party. Votes received by the candidates of a major party  
 3.16 must be counted in determining whether the party received sufficient votes to qualify as a  
 3.17 minor party, notwithstanding that the party does not receive sufficient votes to retain its  
 3.18 major party status. To be considered a minor party in an election in a legislative district,  
 3.19 the political party must have presented at least one candidate for a legislative office in that  
 3.20 district who received votes from at least ten percent of the total number of individuals  
 3.21 who voted for that office, or its members must have presented to the secretary of state a  
 3.22 ~~nominating~~ petition in a form prescribed by the secretary of state requesting that the party  
 3.23 be recognized as a minor political party and containing the signatures of party members in  
 3.24 a number equal to at least ten percent of the total number of individuals who voted in the  
 3.25 preceding state general election for that legislative office.

3.26 Sec. 3. Minnesota Statutes 2014, section 204B.03, is amended to read:

3.27 **204B.03 MANNER OF NOMINATION.**

3.28 Candidates ~~of a major political party~~ for any partisan office except presidential  
 3.29 elector and all candidates for nonpartisan office shall apply for a place on the primary  
 3.30 ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as  
 3.31 otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.  
 3.32 ~~Candidates for any partisan office who do not seek the nomination of a major political~~  
 3.33 ~~party shall be nominated by nominating petition as provided in sections 204B.07 and~~  
 3.34 ~~204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy~~  
 3.35 ~~as provided in section 204B.06.~~

4.1 Sec. 4. Minnesota Statutes 2014, section 204B.07, subdivision 4, is amended to read:

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

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

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

4.12 Sec. 5. Minnesota Statutes 2014, section 204C.13, subdivision 3, is amended to read:

4.13 Subd. 3. **Marking ballots.** The voter shall mark each ballot in the following manner:

4.14 (a) A mark (X) shall be placed in the square opposite the printed name of each  
4.15 candidate for whom the individual desires to vote, and in the square before the "YES" or  
4.16 "NO" if the individual desires to vote for or against a question.

4.17 (b) The voter may write in other names on the lines provided under the printed  
4.18 names of the candidates, except that no names shall be written in on primary ballots.

4.19 (c) ~~At a state primary an individual may vote for candidates of only one major~~  
4.20 ~~political party on the partisan primary ballot. If a partisan primary ballot contains votes~~  
4.21 ~~for the candidates of more than one major political party, the ballot is totally defective~~  
4.22 ~~and no vote on the ballot shall be counted.~~

4.23 (d) An individual who spoils a ballot may return it to the election judges and receive  
4.24 another.

4.25 Sec. 6. Minnesota Statutes 2014, section 204C.21, subdivision 3, is amended to read:

4.26 Subd. 3. **Primary.** At a primary the election judges shall first ~~separate the partisan~~  
4.27 ~~ballots by major political party and then~~ count the votes for each office on the primary  
4.28 ballot as provided in subdivision 1. The nonpartisan primary ballots shall be counted  
4.29 separately after the partisan primary ballots have been counted.

4.30 Sec. 7. Minnesota Statutes 2014, section 204C.32, subdivision 1, is amended to read:

4.31 Subdivision 1. **County canvass.** The county canvassing board shall meet at the  
4.32 county auditor's office on either the second or third day following the state primary. After  
4.33 taking the oath of office, the canvassing board shall publicly canvass the election returns

5.1 delivered to the county auditor. The board shall complete the canvass by the third day  
 5.2 following the state primary and shall promptly prepare and file with the county auditor  
 5.3 a report that states:

5.4 (a) the number of individuals voting at the election in the county, and in each precinct;

5.5 (b) the number of individuals registering to vote on election day and the number of  
 5.6 individuals registered before election day in each precinct;

5.7 (c) ~~for each major political party~~, the names of the candidates running for each  
 5.8 partisan office and the number of votes received by each candidate in the county and in  
 5.9 each precinct;

5.10 (d) the names of the candidates ~~of each major political party~~ who are nominated; and

5.11 (e) the number of votes received by each of the candidates for nonpartisan office in  
 5.12 each precinct in the county and the names of the candidates nominated for nonpartisan  
 5.13 office.

5.14 Upon completion of the canvass, the county auditor shall mail or deliver a notice of  
 5.15 nomination to each nominee for county office voted for only in that county. The county  
 5.16 auditor shall transmit one of the certified copies of the county canvassing board report  
 5.17 for state and federal offices to the secretary of state by express mail or similar service  
 5.18 immediately upon conclusion of the county canvass. The secretary of state shall mail a  
 5.19 notice of nomination to each nominee for state or federal office.

5.20 Sec. 8. Minnesota Statutes 2014, section 204D.03, subdivision 1, is amended to read:

5.21 Subdivision 1. **State primary.** The state primary shall be held on the second  
 5.22 Tuesday in August in each even-numbered year to select the nominees ~~of the major~~  
 5.23 ~~political parties~~ for partisan offices and ~~the nominees for~~ nonpartisan offices to be filled at  
 5.24 the state general election, other than presidential electors.

5.25 Sec. 9. Minnesota Statutes 2014, section 204D.03, subdivision 3, is amended to read:

5.26 Subd. 3. **Exception; ~~certain partisan candidates.~~** (a) If no more than one  
 5.27 ~~candidate files~~ two candidates file for nomination ~~by a major political party~~ for a partisan  
 5.28 office, the ~~candidate~~ candidates who filed must be declared the ~~nominee~~ nominees upon  
 5.29 the close of filing. If every candidate for a partisan office has been declared the nominee  
 5.30 upon the close of filing, the office must be omitted from the state primary ballot. If all  
 5.31 offices, both partisan and nonpartisan, have been omitted from the state primary ballot in a  
 5.32 municipality or county, the governing body of the municipality or county may decide that  
 5.33 the state primary will not be conducted in that municipality or county.

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

6.5 Sec. 10. Minnesota Statutes 2014, section 204D.05, subdivision 1, is amended to read:

6.6 Subdivision 1. **State partisan primary ballot.** The state ~~partisan~~ primary ballot  
6.7 shall contain the names of the candidates seeking the nomination of each major political  
6.8 party for the partisan offices filled at the state general election.

6.9 Sec. 11. Minnesota Statutes 2014, section 204D.05, subdivision 3, is amended to read:

6.10 Subd. 3. **County auditor to prepare.** The county auditor of each county shall  
6.11 prepare the state ~~partisan~~ primary ballot and the state and county nonpartisan primary ballot.

6.12 Sec. 12. Minnesota Statutes 2014, section 204D.07, subdivision 1, is amended to read:

6.13 Subdivision 1. **Duties of county auditor.** Except as provided in ~~subdivisions 2 and~~  
6.14 subdivision 3, the county auditor shall place on the appropriate state primary ballot the  
6.15 name of each candidate who has properly filed an affidavit of candidacy with the auditor  
6.16 and of each candidate certified by the secretary of state pursuant to section 204D.06.

6.17 Sec. 13. Minnesota Statutes 2014, section 204D.07, subdivision 3, is amended to read:

6.18 Subd. 3. **Exception; ~~certain nonpartisan candidate.~~** If not more than twice the  
6.19 number of individuals to be elected to a ~~nonpartisan~~ an office file for the nomination, their  
6.20 names and the name of the office shall be omitted from the state and county ~~nonpartisan~~  
6.21 primary ballot and the candidates who filed shall be the nominees.

6.22 Sec. 14. Minnesota Statutes 2014, section 204D.08, subdivision 4, is amended to read:

6.23 Subd. 4. **State partisan primary ballot; ~~party columns.~~** (a) The state partisan  
6.24 primary ballot shall be headed by the words "State Partisan Primary Ballot." ~~The ballot shall~~  
6.25 ~~be printed on white paper. There must be at least three vertical columns on the ballot and~~  
6.26 ~~each major political party shall have a separate column headed by the words "..... Party,"~~  
6.27 ~~giving the party name. Above the party names, the following statement shall be printed.~~

6.28 "Minnesota Election Law permits you to vote for the candidates of only one political  
6.29 party in a state partisan primary election."

7.1 ~~If there are only two major political parties to be listed on the ballot, one party must~~  
 7.2 ~~occupy the left-hand column, the other party must occupy the right-hand column, and the~~  
 7.3 ~~center column must contain the following statement:~~

7.4 ~~"Do not vote for candidates of more than one party."~~

7.5 ~~The names of the candidates seeking the nomination of each major political party~~  
 7.6 ~~shall be listed in that party's column. If only one individual files an affidavit of candidacy~~  
 7.7 ~~seeking the nomination of a major political party for an office, the name of that individual~~  
 7.8 ~~shall be placed on the state partisan primary ballot at the appropriate location in that~~  
 7.9 ~~party's column.~~

7.10 ~~In each column,~~ (b) The candidates for senator in Congress shall be listed first,  
 7.11 candidates for representative in Congress second, candidates for state senator third,  
 7.12 candidates for state representative fourth and then candidates for state office in the order  
 7.13 specified by the secretary of state.

7.14 ~~The party columns shall be substantially the same in width, type, and appearance.~~  
 7.15 ~~The columns shall be separated by a 12-point solid line.~~ (c) The name of the political party  
 7.16 or the political principle of each candidate shall be printed above or below the name of the  
 7.17 candidate in the manner provided in section 204B.36, subdivision 2.

7.18 Sec. 15. Minnesota Statutes 2014, section 204D.10, subdivision 1, is amended to read:

7.19 Subdivision 1. **Partisan offices; nominees.** ~~The candidate for nomination of a major~~  
 7.20 ~~political party for a partisan office on the state partisan primary ballot who receives two~~  
 7.21 ~~candidates that receive the highest number of votes for each office shall be the nominee~~  
 7.22 ~~of that political party for that office the nominees regardless of party affiliation. The~~  
 7.23 ~~nominees shall be placed on the general election ballot.~~

7.24 Sec. 16. Minnesota Statutes 2014, section 204D.20, subdivision 1, is amended to read:

7.25 Subdivision 1. **Special primary.** Except as provided in subdivision 2, the candidates  
 7.26 ~~of the major political parties to fill a vacancy shall be nominated at a special primary. The~~  
 7.27 ~~candidate of each party who receives two candidates that receive the highest number of~~  
 7.28 ~~votes at the special primary shall be nominated.~~

7.29 Sec. 17. Minnesota Statutes 2014, section 204D.20, subdivision 2, is amended to read:

7.30 Subd. 2. **No special primary; when.** No special primary shall be held to nominate  
 7.31 candidates to fill a vacancy if only ~~one individual from each major political party files two~~  
 7.32 ~~individuals file~~ as a candidate for that party's nomination. In that case, the individuals who  
 7.33 have filed are nominated.

8.1 Sec. 18. Minnesota Statutes 2014, section 206.61, subdivision 4, is amended to read:

8.2 Subd. 4. **Order of candidates.** On the "State ~~Partisan~~ Primary Ballot" prepared  
8.3 for primary elections, and on the state general election ballot prepared for the general  
8.4 election, the order of the names of nominees or names of candidates for election shall be  
8.5 the same as required for paper ballots. More than one column or row may be used for the  
8.6 same office or party. Electronic ballot display and audio ballot readers must conform to  
8.7 the candidate order on the optical scan ballot used in the precinct.

8.8 Sec. 19. **REPEALER.**

8.9 Minnesota Statutes 2014, sections 204B.04, subdivisions 2 and 3; 204D.07,  
8.10 subdivision 2; 204D.08, subdivision 5; and 204D.13, subdivision 3, are repealed.

8.11 Sec. 20. **EFFECTIVE DATE.**

8.12 This act is effective January 1, 2016, and applies to all elections held on or after  
8.13 that date.

**204B.04 CANDIDACY; PROHIBITIONS.**

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.

Subd. 3. **Nomination for nonpartisan office.** No individual shall be nominated by nominating petition for any nonpartisan office.

**204D.07 PLACING NAMES ON BALLOTS.**

Subd. 2. **Exception; petition candidates.** The name of a candidate nominated by petition shall not be placed on any state primary ballot.

**204D.08 STATE PRIMARY BALLOTS.**

Subd. 5. **Party columns; arrangement.** The names of candidates for nomination of the major political party that received the smallest average vote at the last state general election must be placed in the first column on the left side of the ballot. The names of candidates for nomination of the major political party that received the next smallest average vote at the last state general election must be placed in the second column, and so on. The average vote shall be computed in the manner provided in section 204D.13, subdivision 2.

**204D.13 BALLOT; PARTISAN OFFICES.**

Subd. 3. **Nominees by petition; placement on ballot.** The names of candidates nominated by petition for a partisan office voted on at the state general election shall be placed on the state general election ballot after the names of the candidates for that office who were nominated at the state primary. No later than 11 weeks before the state general election, the secretary of state shall determine by lot the order of candidates nominated by petition. The drawing of lots must be by political party or principle. The political party or political principle of the candidate as stated on the petition shall be placed after the name of a candidate nominated by petition. The word "nonpartisan" shall not be used to designate any partisan candidate whose name is placed on the state general election ballot by nominating petition.