

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

**S.F. No. 1185**

(SENATE AUTHORS: LITTLE and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/14/2019	379	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; providing for election of state legislators without political

1.3 party designation; modifying the election public subsidy program; amending

1.4 Minnesota Statutes 2018, sections 10A.31, subdivisions 5, 6a; 10A.321, subdivision

1.5 1; 204D.08, subdivisions 4, 6; 204D.13, subdivision 1; repealing Minnesota Statutes

1.6 2018, section 10A.31, subdivision 5a.

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

1.8 Section 1. Minnesota Statutes 2018, section 10A.31, subdivision 5, is amended to read:

1.9 Subd. 5. **Allocation.** (a) **General account.** In each calendar year the money in the general

1.10 account must be allocated to candidates as follows:

1.11 ~~(1) 21 percent for the offices of governor and lieutenant governor together;~~

1.12 ~~(2) 4.2 percent for the office of attorney general;~~

1.13 ~~(3) 2.4 percent each for the offices of secretary of state and state auditor;~~

1.14 ~~(4) (1)~~ in each calendar year during the period in which state senators serve a four-year

1.15 term, ~~23-1/3~~ 36 percent for the office of state senator, and ~~46-2/3~~ 64 percent for the office

1.16 of state representative; and

1.17 ~~(5) (2)~~ in each calendar year during the period in which state senators serve a two-year

1.18 term, ~~35~~ 50 percent each for the offices of state senator and state representative.

1.19 (b) **Party account.** In each calendar year the money in each party account must be

1.20 allocated as follows:

1.21 (1) ~~14~~ 50 percent for the offices of governor and lieutenant governor together;

1.22 (2) ~~2.8~~ 20 percent for the office of attorney general;

2.1 (3) ~~1-6~~ ten percent each for the offices of secretary of state and state auditor; and

2.2 ~~(4) in each calendar year during the period in which state senators serve a four-year~~  
 2.3 ~~term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state~~  
 2.4 ~~representative;~~

2.5 ~~(5) in each calendar year during the period in which state senators serve a two-year term,~~  
 2.6 ~~35 percent each for the offices of state senator and state representative; and~~

2.7 ~~(6) (4) ten percent or \$50,000, whichever is less, for the state committee of a political~~  
 2.8 ~~party; one-third of any amount in excess of that allocated to the state committee of a political~~  
 2.9 ~~party under this clause must be allocated to the office of state senator and two-thirds must~~  
 2.10 ~~be allocated to the office of state representative under clause (4).~~

2.11 Money allocated to each state committee under clause ~~(6)~~ (4) must be deposited in a  
 2.12 separate account and must be spent for only those items enumerated in section 10A.275.  
 2.13 Money allocated to a state committee under clause ~~(6)~~ (4) must be paid to the committee  
 2.14 by the board as it is received in the account on a monthly basis, with payment on the 15th  
 2.15 day of the calendar month following the month in which the returns were processed by the  
 2.16 Department of Revenue, provided that these distributions would be equal to 90 percent of  
 2.17 the amount of money indicated in the Department of Revenue's weekly unedited reports of  
 2.18 income tax returns and property tax refund returns processed in the month, as notified by  
 2.19 the Department of Revenue to the board. The amounts paid to each state committee are  
 2.20 subject to biennial adjustment and settlement at the time of each certification required of  
 2.21 the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments  
 2.22 received by a state committee for the period reflected on a certification by the Department  
 2.23 of Revenue is different from the amount that should have been received during the period  
 2.24 according to the certification, each subsequent monthly payment must be increased or  
 2.25 decreased to the fullest extent possible until the amount of the overpayment is recovered or  
 2.26 the underpayment is distributed.

2.27 Sec. 2. Minnesota Statutes 2018, section 10A.31, subdivision 6a, is amended to read:

2.28 Subd. 6a. **Party account money not distributed.** ~~Money from a party account not~~  
 2.29 ~~distributed to candidates for state senator or representative in any election year must be~~  
 2.30 ~~returned to the general fund of the state, except that the subsidy from the party account an~~  
 2.31 ~~unopposed candidate would otherwise have been eligible to receive must be paid to the state~~  
 2.32 ~~committee of the candidate's political party to be deposited in a special account under~~  
 2.33 ~~subdivision 5, paragraph (b), clause (6), and used for only those items permitted under~~  
 2.34 ~~section 10A.275. Money from a party account not distributed to candidates for other offices~~

3.1 in an election year must be returned to the party account for reallocation to candidates as  
3.2 provided in subdivision 5, paragraph (b), in the following year.

3.3 Sec. 3. Minnesota Statutes 2018, section 10A.321, subdivision 1, is amended to read:

3.4 Subdivision 1. **Calculation and certification of estimates.** The commissioner of revenue  
3.5 must calculate and certify to the board one week before the first day for filing for office in  
3.6 each election year an estimate of the total amount in the state general account of the state  
3.7 elections campaign account and the amount of money each candidate who qualifies, as  
3.8 provided in section 10A.31, subdivisions 6 and 7, may receive from the candidate's party  
3.9 account in the state elections campaign account. This estimate must be based upon the  
3.10 allocations and formulas in section 10A.31, ~~subdivisions~~ subdivision 5 and 5a, any necessary  
3.11 vote totals provided by the secretary of state to apply the formulas in section 10A.31,  
3.12 ~~subdivisions~~ subdivision 5 and 5a, and the amount of money expected to be available after  
3.13 100 percent of the tax returns have been processed.

3.14 Sec. 4. Minnesota Statutes 2018, section 204D.08, subdivision 4, is amended to read:

3.15 Subd. 4. **State partisan primary ballot; party columns.** The state partisan primary  
3.16 ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be  
3.17 printed on white paper. There must be at least three vertical columns on the ballot and each  
3.18 major political party shall have a separate column headed by the words "..... Party,"  
3.19 giving the party name. Above the party names, the following statement shall be printed.

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

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

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

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

3.30 In each column, the candidates for senator in Congress shall be listed first, candidates  
3.31 for representative in Congress second, ~~candidates for state senator third, candidates for state~~

4.1 ~~representative-fourth~~ and then candidates for partisan state office in the order specified by  
4.2 the secretary of state.

4.3 The party columns shall be substantially the same in width, type, and appearance. The  
4.4 columns shall be separated by a 12-point solid line.

4.5 Sec. 5. Minnesota Statutes 2018, section 204D.08, subdivision 6, is amended to read:

4.6 Subd. 6. **State and county nonpartisan primary ballot.** The state and county nonpartisan  
4.7 primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be  
4.8 printed in the manner provided in the rules of the secretary of state. The names of candidates  
4.9 for nomination to the supreme court, court of appeals, district court, state senator, state  
4.10 representative, and all county offices shall be placed on this ballot.

4.11 No candidate whose name is placed on the state and county nonpartisan primary ballot  
4.12 shall be designated or identified as the candidate of any political party or in any other manner  
4.13 except as expressly provided by law.

4.14 Sec. 6. Minnesota Statutes 2018, section 204D.13, subdivision 1, is amended to read:

4.15 Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed on  
4.16 the state general election ballot in the following order: senator in Congress shall be first;  
4.17 and representative in Congress, second; ~~state senator, third; and state representative, fourth.~~  
4.18 The candidates for partisan state offices shall follow in the order specified by the secretary  
4.19 of state. Candidates for governor and lieutenant governor shall appear so that a single vote  
4.20 may be cast for both offices.

4.21 Sec. 7. **REPEALER.**

4.22 Minnesota Statutes 2018, section 10A.31, subdivision 5a, is repealed.

4.23 Sec. 8. **EFFECTIVE DATE.**

4.24 This act is effective for the state primary and general election in 2020 and all elections  
4.25 thereafter.

**10A.31 DESIGNATION OF INCOME TAX PAYMENTS.**

Subd. 5a. **Party account for legislative candidates.** To ensure that money will be returned to the counties from which it was collected and to ensure that the distribution of money rationally relates to the support for particular parties or for particular candidates within legislative districts, money from the party accounts for legislative candidates must be distributed as provided in this subdivision.

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election must receive money from the candidate's party account allocated to candidates for the state senate or state house of representatives, whichever applies, according to the following formula:

For each county within the candidate's district, the candidate's share of the dollars designated by taxpayers who resided in that county and credited to the candidate's party account and allocated to that office must be:

(1) the sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that candidate's party whose names appeared on the ballot statewide and for the state senate and state house of representatives, divided by

(2) the sum of the votes cast in the entire county in the last general election for all candidates of that candidate's party whose names appeared on the ballot statewide and for the state senate and state house of representatives, multiplied by

(3) the amount in the candidate's party account designated by taxpayers who resided in that county and allocated to that office.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For a party under whose name no candidate's name appeared on the ballot statewide in the last general election, amounts in the party's account must be allocated based on (i) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (ii) the number of the people voting in the entire county in the last general election, multiplied by (iii) the amount in the candidate's party account designated by taxpayers who resided in that county and allocated to that office.

In the first general election after the legislature is redistricted, "the candidate's district" means the newly drawn district and voting data from the last general election must be applied to the area encompassing the newly drawn district, notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party is the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (1) and (2). The average vote must be added to the sums in clauses (1) and (2) before the calculation is made for all districts in the county.