

CHAPTER 419—S.F.No. 2720

An act relating to elections; permitting simultaneous candidacy for nomination by major and minor parties with their consent under certain conditions; amending Minnesota Statutes 1994, sections 200.02, subdivision 7, and by adding a subdivision; 204B.04, subdivision 2, and by adding a subdivision; 204D.12; and 204D.13, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 204B.06, subdivision 1; repealing Minnesota Statutes 1994, section 204D.10, subdivision 2.

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

Section 1. **PURPOSE.**

The purpose of this act is to permit a candidate to appear on the general election ballot as the nominee of more than one political party. This act does not permit the candidate's name to appear on the ballot more than once, because to do so might give the candidate an unfair advantage and might cause some voters to become confused about how to cast their votes, to vote improperly, and to have their votes not counted. This act does not permit the voter to cast a vote for the candidate's party, because the function of an election in the United States is to choose an individual to hold public office, not to choose a political party to control the office and because to do so might likewise cause some voters to become confused.

Sec. 2. Minnesota Statutes 1994, section 200.02, subdivision 7, is amended to read:

Subd. 7. **MAJOR POLITICAL PARTY.** "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and:

(a) Which (1) that has presented at least one candidate for election to a partisan office at the last preceding state general election, which candidate who received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) (2) whose members present to the secretary of state a petition for a place on the state partisan primary ballot, which a petition that contains 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.

Votes cast for a candidate who was the nominee of more than one political party in a state general election are not counted in determining whether a minor political party should become a major political party under clause (1).

Sec. 3. Minnesota Statutes 1994, section 200.02, is amended by adding a subdivision to read:

Subd. 22. **MINOR POLITICAL PARTY.** (a) "Minor political party" means a political party that is not a major political party as defined by subdivision 7 and that has adopted a state constitution, designated a state party chair, and met the requirements of paragraph (b) or (c), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for a partisan office voted on statewide at the preceding state general election who received votes in each county that in the aggregate

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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 a nominating petition in a form prescribed by the secretary of state containing the 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.

(c) 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 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.

(d) Votes cast for a candidate who was the nominee of more than one political party in a state general election are not counted in determining whether a minor political party should remain a minor political party under this subdivision.

Sec. 4. Minnesota Statutes 1994, section 204B.04, subdivision 2, is amended to read:

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, except as otherwise provided for partisan offices in section 204D.10, subdivision 2 simultaneous nominations in section 5, and for nonpartisan offices in section 204B.13, subdivision 4. A major party candidate who fails to be nominated at the state primary may not be listed on any ballot at the subsequent state general election, except to fill a vacancy as provided in section 204B.13.

Sec. 5. Minnesota Statutes 1994, section 204B.04, is amended by adding a subdivision to read:

Subd. 2a. **SIMULTANEOUS NOMINATION.** A candidate may seek the nomination of a major political party and one or more minor political parties for the same partisan office simultaneously if the state chair of the parties whose nomination is sought consents in writing to the simultaneous nomination. The forms for written consent of the party chair must be prepared in the manner provided by the secretary of state. A candidate may not be nominated by petition for a partisan office without the written consent of the candidate.

A candidate who seeks the simultaneous nomination of a major political party and one or more minor political parties and fails to be nominated at the state primary for the major political party forfeits the nominations of the minor political parties.

A candidate may not seek the nomination of either a major or minor political party, or both, and file a nominating petition as an independent candidate for the same election.

Sec. 6. Minnesota Statutes 1995 Supplement, 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 shall state that the candidate:

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(a) is an eligible voter;

(b) has no other affidavit on file as a candidate for any other 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

(c) 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; and

(d) accepts the nomination, if nominated by petition.

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 seeking the simultaneous nomination of a major political party and one or more minor political parties shall include the consent forms from the party chairs required by section 204B.04, subdivision 2a, with the affidavit of candidacy.

Sec. 7. Minnesota Statutes 1994, 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:

(a) Whose nomination at the state primary has been certified by the appropriate canvassing board;

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

(c) 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.

A candidate who is nominated for an office by more than one political party may be listed on the ballot only once.

Sec. 8. Minnesota Statutes 1994, section 204D.13, is amended by adding a subdivision to read:

Subd. 4. SIMULTANEOUS NOMINATION. A candidate who is nominated by a major political party and one or more minor political parties shall appear on the ballot in the space designated for the major political party candidate for the office sought. A candidate who is nominated by more than one minor political party but is not the nominee of a

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major political party shall appear on the ballot in the position designated for the first party filing a nominating petition with the filing officer. The name of each political party nominating the candidate shall appear on the ballot with the candidate's name.

Sec. 9. **REPEALER.**

Minnesota Statutes 1994, section 204D.10, subdivision 2, is repealed.

Sec. 10. **EFFECTIVE DATE.**

This act is effective for the state primary election in 1996 and thereafter.

The amendments made by this act are suspended during any time that the decision of the eighth circuit court of appeals in Twin Cities Area New Party v. McKenna, No. 94-3417MN, is stayed or the mandate of the court is recalled. If the McKenna decision is reversed, the amendments made by this act expire and the prior law is revived. The purpose of this paragraph is to provide an orderly procedure for complying with the McKenna decision while retaining the prior law prohibiting simultaneous nominations to the extent permitted by the United States Constitution.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 3:15 p.m.

CHAPTER 420—S.F.No. 1902

An act relating to the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council; changing the name of the council on affairs of Spanish-speaking people; changing the composition and certain powers of the councils on affairs of Spanish-speaking people and Asian-Pacific Minnesotans; providing for appointments; changing statutory references; eliminating an expiration date; amending Minnesota Statutes 1994, sections 3.922, subdivisions 3 and 8; 3.9223; 3.9225, subdivision 1; and 3.9226, subdivisions 1, 2, 3, and 5.

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

Section 1. Minnesota Statutes 1994, section 3.922, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION; EXPENSES; EXPIRATION.** Compensation of nonlegislature members is as provided in section 15.059, but, because the council performs functions that are not purely advisory, the expiration dates provided in that section do not apply. Expenses of the council shall must be approved by two of any three members of the council designated by the council and then be paid in the same manner as other state expenses. The executive secretary shall inform the commissioner of finance in writing of the names of the persons authorized to approve expenses.

Sec. 2. Minnesota Statutes 1994, section 3.922, subdivision 8, is amended to read:

Subd. 8. **ADVISORY COUNCIL.** An advisory council on urban Indians is created ~~to~~ shall advise the board on the unique problems and concerns of Minnesota Indians who

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