

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1890

(SENATE AUTHORS: REST)

DATE
03/07/2017

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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; modifying certain procedures related to vacancies in
1.3 nomination; amending Minnesota Statutes 2016, section 204B.13, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2016, section 204B.13, subdivision 2, is amended to read:

1.6 Subd. 2. **Partisan office; nomination by party; special election.** (a) Except as provided
1.7 in subdivision 5, a major political party may fill a vacancy in nomination of that party's
1.8 candidate as defined in subdivision 1, clause (1), (2), or (3), by filing one nomination
1.9 certificate with the same official who received the affidavits of candidacy for that office.

1.10 A major political party may provide in its governing rules a procedure, including
1.11 designation of an appropriate committee, to fill a vacancy in nomination for any federal or
1.12 state partisan office. The nomination certificate shall be prepared under the direction of and
1.13 executed by the chair and secretary of the political party and filed within the timelines
1.14 established in this section. When filing the certificate the chair and secretary shall attach an
1.15 affidavit stating that the newly nominated candidate has been selected under the rules of
1.16 the party and that the individuals signing the certificate and making the affidavit are the
1.17 chair and secretary of the party.

1.18 (b) In the case of a vacancy in nomination for partisan office that occurs on or before
1.19 the 79th day before the general election, the major political party must file the nomination
1.20 certificate no later than 71 days before the general election. The name of the candidate
1.21 nominated by the party must appear on the general election ballot.

(c) Except as provided in subdivision 5, in the case of a vacancy in nomination for a partisan office that occurs after the 79th day before the general election, the general election ballot shall remain unchanged, ~~but~~ and the election shall proceed as follows:

(1) if the vacancy in nomination is due to the candidate's death or withdrawal, as provided in subdivision 1, paragraph (a), clause (1) or (2), the county and state canvassing boards must not certify the vote totals for that office from the general election, and the office must be filled at a special election held in accordance with this section. Except for the vacancy in nomination, all other candidates whose names appeared on the general election ballot for the office must appear on the special election ballot for the office. New affidavits of candidacy or nominating petitions may not be accepted, and there must not be a primary to fill the vacancy in nomination. The major political party may file a nomination certificate as provided in paragraph (a) no later than seven days after the general election; or

(2) if the vacancy in nomination is due to a court order determining that the candidate is ineligible to hold the office as provided in subdivision 1, paragraph (a), clause (3), the county and state canvassing boards must disregard the vote totals for the candidate determined to be ineligible, but must otherwise certify the vote totals for all other eligible candidates for that office.

(d) On the date of the general election, the county auditor or municipal clerk shall post a notice in each precinct affected by a vacancy in nomination under ~~this paragraph (c),~~ informing voters of the reason for the vacancy in nomination and the procedures for ~~filling the vacancy in nomination and conducting a special election~~ conducting the election as required by this section. The secretary of state shall prepare and electronically distribute the notice to county auditors in each county affected by a vacancy in nomination.